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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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*NOTE: Bill summaries included in this document are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.*

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## HOUSE WEEK IN REVIEW

The House of Representatives approved and sent to the Senate **H.3092**, a bill pertaining to **DEATH PENALTY INFORMATION MAINTAINED BY THE OFFICE OF INDIGENT DEFENSE**. This bill provides that, whenever notice is given to a defense attorney of the solicitor's intent to seek the death penalty, the solicitor must also give notice of that intent to the South Carolina Office of Indigent Defense. The solicitor's notice to the Office of Indigent Defense also must include the date notice is made, the alleged crime, the date the alleged crime occurred, the county in which the alleged crime occurred, demographic information about the victim, and the person or persons charged with the crime, including their age, race, sex, and ethnic background. The legislation provides that the Office of Indigent Defense must maintain this statistical information and make these records available to the public.

The House approved and sent to the Senate **H.3564**, a bill that expands **THE RIGHT OF A HOMEOWNER OR A TENANT TO DISPLAY THE UNITED STATES FLAG ON HIS REAL PROPERTY** to include an American Flag displayed on a free standing flagpole between fifteen and twenty feet for home display affixed to the structure of the home by a flagpole no longer than is reasonable for home display. A homeowners' association document, restrictive covenant in a deed, rental agreement, lease, or another contract may not preclude such a display of the United States Flag.

The House amended, approved, and sent to the Senate **H.3198**, a bill providing **REVISIONS TO THE FAMILY PRIVACY PROTECTION ACT**. This bill revises the prohibition of knowingly obtaining or using personal information obtained from a public body for commercial solicitation directed to a person in this state, so as to substitute "state agency" for "public body". The bill provides that the prohibition does not apply to a local governmental entity of a subdivision of this state or local government. The legislation revises the definition of commercial solicitation under the act so as to provide that it does not include selling or marketing real property and real property services. The legislation also provides that the definition of commercial solicitation under the act does not include notification of continuing education opportunities (rather than notification of continuing education opportunities sponsored by not-for-profit professional associations, as is currently provided).

The House approved and sent to the Senate **H.3338**, a bill pertaining to the **UNLAWFUL USE OF OBSCENE OR PROFANE LANGUAGE**. This bill revises the provision under the offense of public disorderly conduct which provides that it is unlawful to use obscene or profane language on a highway, at a public place or gathering, or in hearing distance of a schoolhouse or church so as to provide that the offense pertains to the use of obscene or profane language that creates an imminent risk of violent reaction from the language.



The House approved and sent to the Senate **H.3589**, a joint resolution to provide that **NEW APPLICATIONS MAY BE ACCEPTED UNDER THE STATE EMPLOYEE ADOPTION ASSISTANCE PROGRAM** for a specified period of time under certain conditions.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Agriculture, Natural Resources, and Environmental Affairs Committee gave a report of favorable with amendment to **H.3353**, regarding **FOXES AND COYOTES**. As reported by the Committee, this bill provides definitions of what is considered an "enclosure" and "enclosure operator" for purposes of fox and coyote hunting, and identifies an enclosure operator's responsibilities. The bill allows the sale/resale of live foxes/coyotes into an enclosure only as provided in the bill. The bill requires and provides for enclosure permits, which would be issued and overseen by the Department of Natural Resources (DNR). The bill provides that only licensed trappers can sell live foxes/coyotes and only operators of permitted enclosures can buy and release them. The bill provides that it is unlawful to import or cause to have imported, live coyotes or foxes, and it is unlawful to release a coyote except as authorized in the bill. Penalties are provided for violation of these provisions. The bill allows coyotes to be hunted at night in the same manner in which foxes, bobcats, and raccoons are hunted. The bill requires the owner of a rabbit enclosure to immediately destroy foxes and coyotes trapped outside the trapping season.

### EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee reported favorable on **H.3274**. This bill requires that **REGULATIONS OR POLICIES ADOPTED BY SCHOOL BOARDS REGARDING CHARGES AND COLLECTIONS OF FEES MUST TAKE INTO ACCOUNT THE STUDENTS' ABILITY TO PAY** and must hold the fee to a minimum reasonable amount. The bill provides that fees may not be charged to students who are eligible for free lunches and fees must be reduced *pro rata* for students eligible for reduced price lunches.

The Committee considered eighteen separate bills which **REQUIRE THAT STARTING AND ENDING DATES FOR SCHOOL TERMS IN THE SPECIFIED SCHOOL DISTRICTS BE SET BY THE LOCAL BOARD OF TRUSTEES**. *The Committee recommended that each of these bills be referred to the respective legislative delegation.* These bills are:

- H.3254 (re Sumter County School Districts Two and Seventeen);  
H.3255 (re School District of Aiken County);  
H.3256 (re York County School Districts One through Four);  
H.3257 (re Richland County School Districts One and Two);  
H.3281 (re Anderson County School District Two);  
H.3355 (re Anderson County School District Three);  
H.3370 (re Lancaster County School District);  
H.3385 (re Kershaw County School District);  
H.3387 (re Kershaw County School District);  
H.3388 (re Richland County School District Two);  
H.3403 (re Chester County School District);  
H.3258 (re Spartanburg County School Districts One through Seven);  
H.3443 (re Chesterfield County School District);  
H.3465 (re Greenwood County School Districts 50 and 52; School District 51 in Greenwood and Laurens Counties; and School Districts 55 and 56 in Laurens County);  
H.3470 (re Saluda School District One);  
H.3498 (re Pickens County School District);  
H.3515 (re School District of Union County);  
H.3523 (re School District of Oconee County)

The Committee reported favorable with amendment on H.3538, the **DEPARTMENT OF MOTOR VEHICLES REFORM ACT OF 2003**. As reported by the Committee, this bill **REMOVES THE DIVISION OF MOTOR VEHICLES AND THE STATE TRANSPORT POLICE DIVISION FROM THE DEPARTMENT OF PUBLIC SAFETY AND ESTABLISHES THESE DIVISIONS AS THE DEPARTMENT OF MOTOR VEHICLES (THE DEPARTMENT)**. The bill provides:

- The Governor will appoint the Executive Director of the Department, who will serve at-will;
- The Legislative Audit Council will review the Department every three years;
- The State Budget and Control Board will prescribe the manner in which the transfer of employees, funds, property, etc. will be accomplished;
- The Department must enter into contracts with public and private entities to administer driver's license examinations:
  - The Department must supervise these entities;
  - The Department must supply the appropriate testing materials;
  - A private entity may charge a service fee in excess of the testing fee charged by the Department;
- The renewal period for a driver's license is revised from five years to ten years, except for drivers age sixty-five and older;



- The fee for the five-year license is \$12.50 (current fee); the fee for the ten year license is \$25;
- During the fifth year of a ten year license, the licensee must submit an eye exam certificate or appear at a Department office for an eye exam; failure to do so will result in a \$100 fine;
- No eye exam will be required before October 1, 2008, if the licensee is less than sixty-five years old and renews by mail or electronically;
- The Department may enter into contracts with public and private entities to issue license plates and revalidation decals;
  - A private entity may charge a service fee in excess of the registration fee charged by the Department;
  - A public entity may charge a one-dollar service fee in excess of the registration fee charged by the Department;
  - The Department must supervise the public and private entities

## JUDICIARY

The full House Judiciary Committee met on Tuesday, February 18, and reported out several bills.

The committee gave a favorable report on **H.3092**, a bill pertaining to **DEATH PENALTY INFORMATION MAINTAINED BY THE OFFICE OF INDIGENT DEFENSE**. This bill provides that, whenever notice is given to a defense attorney of the solicitor's intent to seek the death penalty, the solicitor must also give notice of that intent to the South Carolina Office of Indigent Defense. The solicitor's notice to the Office of Indigent Defense also must include the date notice is made, the alleged crime, the date the alleged crime occurred, the county in which the alleged crime occurred, demographic information about the victim, and the person or persons charged with the crime, including their age, race, sex, and ethnic background. The legislation provides that the Office of Indigent Defense must maintain this statistical information and make these records available to the public.

The committee gave a favorable report on **H.3338**, a bill pertaining to the **UNLAWFUL USE OF OBSCENE OR PROFANE LANGUAGE**. This bill revises the provision under the offense of public disorderly conduct which provides that it is unlawful to use obscene or profane language on a highway, at a public place or gathering, or in hearing distance of a schoolhouse or church so as to provide that the offense pertains to the use of obscene or profane language that creates an imminent risk of violent reaction from the language.

The committee gave a favorable report on **H.3165**, a bill providing that a **MENTALLY RETARDED PERSON IS NOT SUBJECT TO THE DEATH PENALTY**. This bill provides that a person convicted of murder who was mentally retarded at the

time of the offense must not be sentenced to death, but must be sentenced to life imprisonment.

The committee gave a report of favorable with amendment on **H.3016**, a bill providing for the **FORFEITURE OF CASH CONFISCATED DURING A PROSTITUTION ARREST**. This bill establishes a forfeiture procedure for cash that is confiscated from a person arrested for a prostitution violation. The legislation provides that, after payment of all costs of the seizure and forfeiture proceeding, all remaining cash forfeited must be deposited in the General Fund to be distributed as follows: (1) seventy-five percent to the law enforcement agency or agencies; and (2) twenty-five percent to the prosecuting agency.

The committee gave a favorable report on **H.3137**, a bill **REVISING QUALIFICATIONS FOR PROBATE JUDGES**. The legislation phases in new qualifications for probate judges over a three-year period. Ultimately (after December 31, 2007), a person is not eligible to hold the office of judge of probate unless the person at the time of his election: (1) is a citizen of the United States and a resident of this State; (2) is twenty-one years of age; (3) is a qualified elector of the county in which he is to be a judge; (4) has obtained a four year bachelor's degree from an accredited post-secondary institution or, if he has no degree, has four years' experience as a full time associate probate judge in a probate judge's office in this State; and (5) has not been convicted of a felony offense or an offense involving moral turpitude under the laws of this State, any other state, or the United States. The legislation exempts current probate judges (those holding office as of July 1, 2004) from the new requirements.

The committee gave a favorable report on **H.3025**, a bill providing for **IRREVOCABLE PRESIDENTIAL ELECTOR DECLARATIONS**. This bill provides that a presidential elector is deemed to have irrevocably voted for a candidate at the time he declares for a candidate.

The committee gave a favorable report on **H.3280**, a bill **AUTHORIZING LEGISLATORS TO SERVE ON THE SOUTH CAROLINA INFRASTRUCTURE BANK**. This bill revises the provision prohibiting members of the General Assembly from serving on boards and commissions by adding the South Carolina Transportation Infrastructure Bank to the list of exemptions, thereby allowing legislators to serve on the bank.

## LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met on Tuesday, February 18, and reported out two bills.

The committee gave a report of favorable with amendment on **H.3530**, a bill providing for comprehensive **PUBLIC SERVICE COMMISSION REVISIONS**. This bill establishes new provisions regarding qualifications, screening, and terms of



membership for the Public Service Commission. The bill provides that for an election for a term beginning after June 30, 2004, the elected members shall have a high school degree or equivalent. In screening persons for election to the Public Service Commission for a term beginning after June 30, 2004, the joint committee shall consider the knowledge and experience of the appointees in the following fields: (1) energy issues; (2) telecommunication issues; (3) consumer protection and advocacy issues; (4) water and wastewater issues; (5) finance and economics; or (6) business operation or administration. The legislation provides for the election of commissioners in staggered terms beginning in 2003. The bill revises provisions relating to persons ineligible to serve on the Public Service Commission, so as to allow a member of the General Assembly to serve as a commissioner one year after he has not filed for reelection to the General Assembly or has ceased to be a member. The bill revises provisions relating to seeking or offering pledges of votes in Public Service Commission elections, so as to prohibit the direct or indirect seeking of a pledge or the offering of such a pledge until after the joint committee has formally released its report as to the qualifications of its nominees to the General Assembly. The bill prohibits membership on and restricts employment by the Public Service Commission of a person associated with a regulated business. The bill provides for that commissioners are bound by the Code of Judicial Conduct and the State Ethics Act and provides for yearly training for commissioners and their employees on ethics and the Administrative Procedures Act. The bill establishes an advisory staff and an advocacy staff for the commission and provides for their responsibilities. The advisory staff shall provide research and technical support to the commission and advice and recommendations to the commission on all matters. The advocacy staff shall: (a) provide legal representation of the public interest before the Public Service Commission; (b) monitor existing regulations, rate structures, and policies of special interest to consumers and report to the public through the news media proposed changes under consideration and the effect of those changes on the lives of the citizens of the State; and, (c) evaluate and act upon requests from consumers. In charging the new advocacy staff with these responsibilities, the bill eliminates the current responsibilities of the Division of Consumer Advocacy of The Department of Consumer Affairs with regard to Public Service Commission matters. The bill prohibits *ex parte* communications with and by a commissioner or advisory staff in connection with a pending proceeding.

The committee gave a favorable report on **H.3575**, a bill pertaining to **UNCLAIMED DEMUTUALIZATION PROCEEDS OF INSURANCE COMPANIES**. This bill provides for treatment of unclaimed property payable or distributable in the course of the demutualization of an insurance company as abandoned in five years. The bill revises provisions relating to reports of unclaimed property, so as to require the filing of a report of unclaimed demutualization proceeds before May first of each year.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee reported favorable on **H.3035**, regarding **AUTOMATED EXTERNAL DEFIBRILLATORS (AED's)**. This bill provides that a course approved by the Department of Health and Environmental Control may be used towards satisfying the training requirements for persons designated as AED users.

The Committee tabled **H.3009**, which **ALLOWS A BUILDING INSPECTOR IN THE JURISDICTION IN WHICH A PUBLIC BUILDING IS LOCATED TO CONDUCT A FIRE AND SAFETY INSPECTION FOR THE BUILDING AND SUBMIT HIS REPORT TO THE STATE FIRE MARSHALL.**

## WAYS AND MEANS

The Ways and Means Committee met throughout the week to finalize recommendations for the **2003-2004 STATE APPROPRIATION BILL.**

Ways and Means is currently preparing the Committee's recommendations for printing and for introduction on the House floor March 10. On March 5, the Committee will provide budget briefings to the standing committees of the House.

The following are highlights of the Committee's proposed plan which were available at the time of this publication. The figures have been rounded.

- The Committee began working with a recurring revenue figure of **\$30.9 million**. That figure was increased to **\$40.6 million** through approval of revenue enhancements which include a **ten year driver's license** (\$7.2 million) and a **satellite television license tax** (\$2.5 million).
- Because of a shortfall that could reach \$800 million, most agencies, which have already received cuts during this budget cycle of 8.73%, were cut even further. Education and health care funding received priority consideration.
- **LOTTERY** funds totalling **\$180 million** were allocated for 2003-2004. (Last year's lottery proceeds, which included one-time funds from 2001-2002, totalled \$259 million.) Highlights of the Committee's lottery funding recommendations for 2003-2004 include:
  - **\$27.8 million** for tuition assistance at two-year institutions;
  - **\$40 million** for LIFE Scholarships;
  - No funding for the HOPE Scholarships;
  - **\$5 million** for Palmetto Fellows Scholarships;
  - **\$30 million** for Endowed Chairs;
  - **\$10 million** for technology at public four-year universities, two-year institutions, and state tech schools;



- \$40 million for K-5 reading, math, science, and social studies program;
- \$23.6 million for Education Accountability Act increase;
- \$2 million for research and technology grant-S.C. State University

## BILLS INTRODUCED IN THE HOUSE THIS WEEK

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

#### **S.177 HUNTING FOR CERTAIN SMALL GAME Sen. Moore**

This bill amends the lawful season for hunting raccoon and opossum without weapons and with dogs only. The bill also allows raccoon and opossum hunting with dogs at anytime during the year. The bill also provides that during a period in which raccoons, opossums, or fox are allowed to be hunted without weapons, it is unlawful to take, or attempt to take, the animals, and all firearms must be unloaded and secured in a weapons case, unless legally permitted.

#### **S.156 NO WAKE ZONE FOR PORTION OF ADAM'S CREEK Sen. McConnell**

This bill provides for the establishment of a no wake zone for a specified portion of Adam's Creek.

#### **S.165 HUNTING, FISHING, AND TRAPPING LICENSES Sen. Gregory**

This bill provides that it is unlawful to purchase, acquire, or possess any hunting, fishing, or trapping license, permit, or tag while a person's privileges allowed by the license, permit, stamp, or tag are suspended. The bill includes penalties for violation of this provision.

#### **S.167 SHARK CATCH LIMITS Sen. Gregory**

This bill sets catch limits for Atlantic sharpnose and bonnethead sharks and requires that these shark species must be brought to the dock or landed with head and tail fin intact.

#### **S.168 HUNTING WATERFOWL Sen. Gregory**

This bill revises provisions regarding hunting waterfowl and regarding taking or attempting to take waterfowl, and provides penalties for violation of these provisions.

**S.361 SALE AND TRAFFIC IN FISH Senate Fish, Game,  
and Forestry Committee**

This bill prohibits the sale, possession, or importation of the eggs of certain specified fish, and prohibits the sale, possession, or importation of snakehead fish.

**H.3675 AMENDMENTS TO STATE SAFE DRINKING  
WATER ACT Rep. Gilham**

This bill prohibits a municipality, county, or public water system from adopting, implementing, or enforcing cross-connection control or backflow prevention standards that exceed the stringency of the standards set by state law and regulations. The bill provides for the Board of Health and Environmental Control to adopt regulations defining a high hazard cross-connection and a low hazard cross-connection. The bill defines a "low hazard cross-connection" as a cross-connection that poses a very low risk of backflow and is exempt from the requirements of the bill, and the bill provides a list of cross-connections which are considered to be low hazard.

**H.3671 SEPTIC TANKS Rep. Sheheen**

This bill requires the Department of Health and Environmental Control (DHEC) to establish criteria for approving individuals to perform septic tank inspections and to authorize the construction, installation, and use of septic tanks. The bill provides that such individuals are acting in their own capacity and are not DHEC employees. The bill also allows an individual seeking authority to construct, install, or use a septic tank to contract with such DHEC-approved individuals.

## JUDICIARY

**H.3623 CONFIDENTIALITY OF ADOPTION HEARINGS AND RECORDS  
Rep. Whipper**

This bill revises provisions relating to the confidentiality of adoption hearings and records and circumstances under which the identities of an adoptee, the biological parents, and the siblings of the adoptee must be disclosed, so as to eliminate the requirement that affidavits of the adoptee, the biological parents, and siblings must be on file authorizing disclosure. The bill eliminates the prohibition against releasing information for thirty days.

**H.3625 COMMON LAW MARRIAGES NO LONGER VALID Rep. Whipper**

This bill provides that a common law marriage in this State must not be recognized on and after January 1, 2005, unless it is established by sufficient proof in a court of competent jurisdiction that the common law marriage existed as of December 31, 2004.

**H.3626 DISPOSAL OF UNSOLICITED ADVERTISEMENTS ON PRIVATE  
PROPERTY PROHIBITED Rep. Talley**

This bill revises provisions relating to the dumping of litter, so as to provide that a person may not dump, throw, drop, deposit, discard, or dispose of unsolicited



advertisements on private property. Under the legislation, "unsolicited advertisement" means any material including, but not limited to, pamphlets, brochures, or flyers received by a person that advertise the commercial availability or quality of any property, goods, or services unless the person has a pre-existing and ongoing business or personal relationship with the sender of the advertisement, or unless the person provides the sender of the advertisement an express invitation or permission to receive the advertisement. It does not include advertisements that are placed in a proper receptacle located on any property or placed on a doorknob.

**H.3636 *USE OF THE NAMES OF MUSICAL GROUPS* Rep. Snow**

This bill provides that a person or group engaging in a musical production or performance may utilize the name of another person or group if that person or one member of the group utilizing the name performed a significant role in the recordings of the person or group whose name is being utilized. The bill provides for performance of a "salute" or "tribute" only by a person or group that did not perform a significant role in the recordings of a person or group whose name is being utilized. The bill provides that a person or group utilizing the name of another person or group that did not perform a significant role in the recordings of the person or group shall affirmatively disclose that they did not perform a significant role in the production or release of the recordings or with the person or group who produced and released the recordings. Penalties are provided for violations.

**H.3653 *CAUSING INJURY OR DEATH WHEN FAILING TO YIELD THE RIGHT-OF-WAY* Rep. Chellis**

This bill provides penalties for persons who cause injury or death when failing to yield the right-of-way under certain circumstances.

**S.206 *PUBLIC HEARINGS IN JUDICIAL ELECTIONS* Sen. McConnell**

This bill revises provisions relating to the election of judges and justices, so as to repeal a provision relating to the exemption of a public hearing.

**S.226 *DELIVERY OF BEER OR WINE IN SEALED CONTAINERS* Sen. McConnell**

This bill provides that a holder of a retail permit authorizing sales of beer or wine for off-premises consumption may deliver beer or wine in a sealed container to a person aged twenty-one or older under certain circumstances.

**S.228 *SPECIAL FOOD MANUFACTURER'S LICENSE* Sen. McConnell**

This bill establishes a special food manufacturer's license to be issued by the Department of Revenue for a person who manufactures food items such as sauces and marinades in which there is an alcoholic beverage ingredient and who does so under an agreement with the alcoholic beverage manufacturer. The legislation provides for shipping of alcohol directly to the holder of such a license. The legislation provides for the issuance and cost of such a license.

**S.288 PROPOSED CONSTITUTIONAL AMENDMENT AUTHORIZING PUBLIC OFFICERS TO PARTICIPATE IN STATE LOTTERY** Rep. McConnell

This joint resolution proposes an amendment to provision of the South Carolina Constitution that prohibits public officers from gambling or betting on games of chance, so as to provide an exception that allows participation in lotteries conducted by the state of South Carolina.

**H.3658 LOCAL GOVERNMENT NOT LIABLE FOR INJURIES FROM HAZARDOUS RECREATIONAL ACTIVITIES ON LOCAL GOVERNMENT PROPERTY** Rep. Hagood

This bill provides that a municipality or county or its employees are not liable for damage or injury caused to a person who participates in a hazardous recreational activity on municipal or county property. Exceptions are provided. The legislation applies the limits of the South Carolina Tort Claims Act where liability exists.

**H.3669 CHANGE OF VENUE FROM MUNICIPAL COURT TO MAGISTRATES COURT** Rep. Lucas

This bill provides that, after giving two days notice to the adverse party that he intends to apply for a change of venue, the prosecutor or the accused in a criminal case in a municipal court may file with the clerk or judge an affidavit to the effect that he does not believe he can obtain a fair trial before the municipal judge and setting forth the grounds of his belief. In the sole discretion of the municipal judge, the case and related papers may be turned over to the nearest magistrate in the county who is not disqualified from hearing the case, who shall proceed to try the case as provided by law. Except for good cause shown, only one change of venue is allowed to each party in a case.

**H.3673 FOSTER CARE** Rep. Harrison

This bill provides new procedures for permanency planning hearings for children in foster care. The bill requires the Department of Social Services to show compelling reasons for a permanency plan that does not reunite a child with his parents or a relative and does not terminate parental rights. The bill requires the court to find compelling reasons for approving such a plan. The bill further specifies the court's authority and standards that must be met after adoption viability is considered, foster care is continued, and termination of parental rights is not initiated. The bill revises standards for termination of parental rights, so as to require the court to find compelling reasons for not initiating termination of parental rights under certain circumstances, rather than presuming that such circumstances in and of themselves are compelling reasons. The bill revises provisions relating to fingerprint reviews of foster care license applicants, so as to eliminate provisions authorizing the department to issue temporary licenses pending receipt of the results of the Federal Bureau of Investigation review.



## LABOR, COMMERCE AND INDUSTRY

### H.3629 NOTICE OF ABANDONED PROPERTY BY ELECTRONIC MEANS

Rep. Cooper

This bill revises provisions relating to notice of abandoned property for purposes of the Uniform Unclaimed Property Act, so as to provide for notice by electronic means as an alternative to newspaper publication.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

### H.3634 RENEWAL OF COSMETOLOGY LICENSES Rep. Rice

This bill deletes continuing education as a requirement for renewal of a cosmetology license.

## WAYS AND MEANS

### H.3627 NO PART II's IN 2003-04 BUDGET BILL Rep. Harrell

This House Resolution expresses the sense of the House that no permanent law should be included in the general appropriations bill for fiscal year 2003-2004, when the bill is under consideration in the House beginning the week of March 10, 2003.

### H.3635 HIGHWAY/DRIVER'S LICENSE/VEHICLE TAXES AND FEES Rep. Rice

This bill imposes and provides for the following fees and taxes:

- **The Highway Safety Enhancement Fee**, payable at the time of sale or lease of each motor vehicle, motorcycle, certain trailers or semi-trailers, and self-propelled recreational vehicle, in the amount of one hundred dollars for a new vehicle and fifty dollars for a used vehicle. Revenues would be used for replacing and repairing bridges, road resurfacing, and other safety enhancements, as well as for payments on highway bonds issued for certain safety purposes.
- **A biennial, two hundred dollar road-use fee** for every highway vehicle powered by an energy source other than motor fuel. The Department of Transportation would be allowed to retain five percent of the revenue from this fee and the balance would be transferred to the state highway fund. The bill provides that falsifying a vehicle's source of power to evade this fee is a misdemeanor punishable by a fine of one thousand dollars or imprisonment for thirty days, or both.
- **A six dollar per day highway user fee on each rental agreement for a vehicle.** Eighty-five percent of the revenue from this fee would be credited to the state highway fund, and fifteen percent would be credited to the County Transportation Fund and distributed among the counties in direct ratio to the

number of registered vehicles in each county. The bill provides for audits to verify payment of this fee and provides a penalty for failure to collect and remit the fee and/or for refusal to allow an audit.

- **A sixteen cents per gallon tax on synthetic, blended, and biodiesel fuel;**
- **A highway user fee of five cents a gallon** on all gasoline, synthetic fuel, diesel and biodiesel, and blended fuel, to be adjusted annually for inflation, as provided in the bill. Revenues from this fee would be used for replacing and repairing bridges, resurfacing existing roads, and other safety enhancements. The bill provides that up to fifty percent of the fee revenue may be used to pay interest and principal on state highway bonds issued for these safety purposes and for revenue bonds.

The bill provides that revenue from the remainder of the **proceeds from the gasoline and fuel taxes and user fees may not be transferred** to funds other than the state highway fund except through the enactment of separate legislation solely for that purpose approved by at least a two-thirds vote of the House and the Senate.

- **An increase in the fee for a driver's license** from twelve dollars and fifty cents to twenty five dollars. Fifty percent of the revenue from this fee would go to the state highway fund and fifty percent would go to the general fund. The revenue credited to the state highway fund would not be transferrable to any other fund except through separate legislation approved by at least two-thirds of the House and the Senate.
- **An increase from twenty-four dollars to thirty-five dollars in the biennial private motor vehicle (excluding trucks) registration fee** for persons under age sixty-five years.
- **A revision in the road tax on motor carriers**, so as to make the road tax on each gallon equivalent to the sum of the diesel fuel tax and diesel fuel user fee.

**S.16 SPECIAL LEAVE FOR STATE EMPLOYEES Sen. Setzler**

This bill grants state employees up to three consecutive days of leave with pay upon the death of an "immediate family" member, as defined in the bill. The bill provides that the employee may be required to submit a statement stating the name and relationship of the deceased.

**S.71 PROPERTY TAX PAYMENT BY ARMED FORCES/NATIONAL GUARD MEMBERS Sen. Moore**

This bill allows a county to extend the date for filing returns and the payment of property taxes for persons serving with the U.S. Armed Forces or National Guard in or near a hazard duty zone.



**S.197 LIFE SCHOLARSHIP ELIGIBILITY Sen. Hutto**

This bill provides that a student who has completed at least three of the final four years of high school within this State is eligible for consideration for a LIFE Scholarship, provided the student is eligible for in-state tuition and fees. The bill also provides that such students are also eligible for an income tax credit if all other requirements are met. The bill also requires that the cumulative grade point average calculation for LIFE Scholarship eligibility must include the student's grade point average at all colleges and universities attended.

**S.340 REMEDIES FOR RETIREMENT SYSTEMS**

***DISPUTES* Senate Finance Committee**

This bill, known as the South Carolina Retirement Systems Claims Procedures Act, provides procedures which are applicable to disputes between the South Carolina Retirement Systems and the members and member beneficiaries of those systems.

The bill provides procedures for filing written claims concerning administrative decisions; for appellate review of the retirement systems' final decision by the Administrative Law Judge Division (ALJ); and for appeal from the ALJ Division.

The bill also provides that an employee of the South Carolina Department of Mental Health who has meets the requirements for "peace officer" status is included in the definition of "police officer" for purposes of eligibility for membership in the South Carolina Police Officers Retirement System. The bill provides "peace officer" status to employees of the Department of Mental Health whose assigned work location is one of the correctional facilities of the Department of Corrections or the Department of Juvenile Justice.

**H.3642 REQUIREMENT FOR LOCAL MARTIN LUTHER KING,**

***JR. HOLIDAY* Rep. F.N. Smith**

This bill requires counties and municipalities which receive any state funds to provide by ordinance for the observance of Martin Luther King, Jr. Day as a legal holiday on the third Monday in January. The bill provides that if such an ordinance is not in effect by January 1, 2004, state funds to that county or municipality must be suspended. The bill also requires the State Treasurer to verify that the required ordinance is in effect before making disbursements of state funds.

**H.3641 SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT**

***ACT* Rep. J.R. Smith**

This bill requires that, unless reauthorized by the General Assembly, the provisions of the South Carolina Community Economic Development Act must terminate after the fifth year of the receipt of grants and loans and after at least five million dollars in tax credits are granted. The bill provides that this Act and all other laws and regulations dealing with community development corporations and community development financial institutions are repealed on that date.

**H.3649 REQUIRED VOTE TO IMPOSE OR INCREASE TAX Rep. Huggins**

This bill provides that, beginning July 1, 2003, the General Assembly and any local governing body of this State may not impose or increase any tax or fee without a two-thirds vote of the members of the body.

**H.3674 BUSINESS LICENSE TAX Rep. Davenport**

This bill allows county governments to levy throughout the county a flat business tax of not more than fifteen dollars a year as an alternative to the graduated business license tax.

**S.28 CONTRIBUTIONS TO SOUTH CAROLINA LAW ENFORCEMENT ASSISTANCE PROGRAM Sen. Knotts**

This bill authorizes and provides for a designation on state individual tax returns allowing a taxpayer to contribute to the South Carolina Law Enforcement Assistance Program.

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